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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,493	02/21/2001	Allan Henrik Suonpera	004770.00621	6757

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WASHINGTON, DC 20005-4051

EXAMINER

PAN, YUWEN

ART UNIT	PAPER NUMBER
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2618

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/788,493

Applicant(s)

SUONPERA ET AL.

Examiner

Yuwen Pan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-26, 29-32, 35-37 and 41-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-26, 29-32, 35-37 and 41-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/09/07 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claim 21-26, 29-32, 35-37 and 41-50 have been considered but are moot in view of the new ground(s) of rejection.

DETAILED ACTION

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 21-26, 29-32, 35-37 and 41-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Piosenka et al (US005926756A) in view of Shanahan (US007149509B2).

Per claim 21, Piosenka discloses a method of transferring a plurality of personalized information from a first portable device having a first memory to a second portable device having a second memory (see column 1 and lines 67-column 2 and line 7, figure 1-4, inherently both computer device and portable device comprising memory), comprising steps of: establishing a connection between the first portable device and a computing device (see figures 1-4); transmitting a first set

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of one or more of the plurality of personalized information of the first portable device from said first memory to the computing device(see column 6 and lines 34 and 35); receiving a user selection of a second set of one or more personalized information to be transmitted to the second portable device (see column 6 and lines 55-60), wherein the second set is selected from the first set of one or more personalized information; establishing a connection between the computing device and the second portable device; and transmitting the modified second set of one or more personalized information to the second portable device (see column 6 and lines 30-60). Picoenka doesn't expressly teach receiving data field information from the second portable device wherein the data field information includes size information of one or more data fields, modifying the second set of one or more personalized information in accordance with the data field information Shanahan teaches that device programmer (see figure 1, item 30) would evaluate the data information (use-defined information) that is received from programmable device (item 20) and determine whether the potential transferable information is compatible with the programmable device (e.g. the device programmer would covert CD format to MP3 format, see column 3 and lines 33-63) it would have been obvious to one ordinary skill in the art at the time the invention was made to evaluate and modify according to the capability of the second portable device such that transmitted data would not exceed the capacity of the ending terminal.

Same arguments apply, *mutatis mutandis*, to claim 29, 35, 41, and 46.

Per claim 22, Picoenka further discloses that the personalized information includes phone numbers, message content, profile setting, and cell setting and service settings (see column 1 and lines 10-15, column 2 and lines 5-10).

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Per claim 23, Shanahan further teaches that each of the first connection and the second connection comprised a wire-based data connection.

Per claim 24, Shanahan further teaches that the device programmer evaluate the second portable device's capabilities to receive the selected second set of personalized information (see column 3 and lines 44-53).

Same arguments apply, *mutatis mutandis*, to claim 30, 36.

Per claim 25, Picosenda further teaches that the first set of one or more personalized information is user selected (see column 6 and lines 39-47).

Same arguments apply, *mutatis mutandis*, to claim 31.

Per claim 26, Shanahan further teaches that each of the connection between the first and second portable device and computing device comprises a secure WAP session (see column 6 and lines 35).

Same arguments apply, *mutatis mutandis*, to claim 32, 37.

Per claim 42, Shanahan further teaches that the confirmation of the first data record is established (see column 6 and lines 35-41).

Same arguments apply, *mutatis mutandis*, to claim 47.

Per claim 43, Shanahan further teaches that the data storage specification include at least one of data filed size and a data type (see column 3 and lines 45-55).

Per claim 44, Shanahan further teaches that modifying the first data record in accordance with the storage specification including truncating at least a portion of the data first record (see column 3 and lines 44-64).

Same arguments apply, *mutatis mutandis*, to claim 48.

Per claim 45, Shanahan further teaches that writing command or send file command is executed after verification (see figure 10) and there is a chance that the file may already store in the programmable device (see column 11 and lines 21-32). It would have been obvious to one ordinary skill in the art to understand when a file is already stored in the storage the same file would be rejected at least would notify the user.

Same arguments apply, *mutatis mutandis*, to claim 50.

Per claim 49, Shanahan further teaches that MP3 file might convert to ATRAC file (see column 4 and lines 33-45). It is inherently that the size of file would be changed when such format is changed.

Conclusion

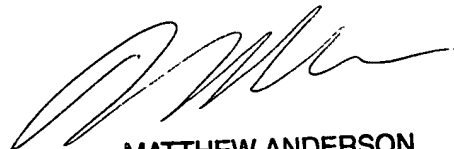
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yuwen Pan whose telephone number is 571-272-7855. The examiner can normally be reached on 8-5 M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anderson D. Matthew can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Yuwen Pan
February 27, 2007



MATTHEW ANDERSON
SUPERVISORY PATENT EXAMINER